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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN CARLOS RAMON,

Defendant.

No 3:17-cr-00437-JO-01

DEFENDANT'S SENTENCING
MEMORANDUM

Mr. Ramon pled guilty to two counts of violating 18 U.S.C. §2251(a). The plea agreement and the Presentence Report calculate the offense level to be 43 before variances. CR 60 at ¶¶8; Presentence Report at ¶¶8. The prosecution will recommend a four level variance based on treatment programming and extraordinary acceptance (plea agreement at ¶10), leading to a net offense level of 39, where the range in criminal history category I is 262 – 327.

The court should grant an additional four level variance (for a total variance of eight levels) and sentence Mr. Ramon to no more than 180 months (the statutory mandatory minimum pursuant to 18 U.S.C. §2251(e)). Mr. Ramon has demonstrated true remorse and exceptional acceptance of responsibility – he gave a complete and truthful statement on the day of his arrest and he subsequently provided more detailed

information about his offenses. Second, the guidelines are not empirically based and generate an offense level greater than necessary to serve the purposes of sentencing under 18 U.S.C. §3553(a). Third, Mr. Ramon's case is distinguishable from many offenses that fall under 18 U.S.C. §2251 and USSG §2G2.1 in that he did not touch any minors. Finally, Mr. Ramon's post offense rehabilitation efforts have been extraordinary. Materials in support of the defendant's position have been submitted with the defendant's confidential sentencing letter.

Dated: November 13, 2019

JAMES F. HALLEY, P.C.

/s/ James F. Halley

James F. Halley, OSB #911757

Attorney for Juan Carlos Ramon